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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,511	06/23/2003	Chad Allen Dow	16429-US	9741
30689	7590	12/09/2005		
DEERE & COMPANY ONE JOHN DEERE PLACE MOLINE, IL 61265			EXAMINER KOVACS, ARPAD F	
			ART UNIT	PAPER NUMBER
			3671	

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/601,511

Applicant(s)

DOW, CHAD ALLEN

Examiner

Árpád Fábíán Kovács

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on: _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 5 are objected to because of the following informalities:

in re cl. 5, "though" perhaps should be – through --;

in re cl. 5-7, it is noted that wherever "blade" is recited it should be preceded

by -- chopper --; because there are stationary blades recited, as well.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Gaeddert (3717062, cited by Applicant).

Gaeddert discloses:

cl. 1:

a straw chopper (col. 2, ln 16-17) blade (32 and 52) comprising:

a blade (32, 52) having a leading edge (46) and a trailing edge (50);

the blade having a first end (38, at lower part of shank 42) that has a blade mounting assembly (bolt 58, and pivoting about 58, col. 3, ln 14-16);

the blade having a second end provided with a tip (40);

a sharpened cutting edge (46) on the leading edge;

a paddle that extends at a perpendicular angle from a plane of the blade & extends from the leading edge of the first end (see fig 2, paddle, legs 56);

cl. 3-4:

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the trailing edge (50) also having sharpened cutting edge (50) and a second paddle (legs 56, fig 2) extends at an angle from the trailing edge, predominantly perpendicular to the plane of the blade (fig 5);

cl. 5:

a rotor (10) having a plurality of mounting locations (fig 2);

a housing (20), an inlet & outlet (fig 1);

stationary blades (concaves 22);

a chopper blades (32, 52) having a leading edge (46) and a trailing edge (50);

the chopper blades having a first end (38, at lower part of shank 42) that has a blade mounting assembly (bolt 58, and pivoting about 58, col. 3, ln 14-16);

the chopper blades having a second end provided with a tip (40);

a sharpened cutting edge (46) on the leading edge;

a paddle that extends at an angle from from the leading edge of the first end & positioned between the mounting hole and the cutting edge (see fig 2, paddle, legs 56);

cl. 6:

the chopper blade defines a plane and the paddle is predominantly perpendicular to the plane (see fig 5);

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cl. 7-8:

the trailing edge (50) of the second end also having sharpened cutting edge (50) and
a second paddle (legs 56, fig 2) extends at an angle from the trailing edge,
predominantly perpendicular to the plane of the blade (fig 5).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaeddert (3717062).

Gaeddert discloses the claimed device except for the paddle being integral with the blade.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the paddle (52) integral, since stamped & formed & punched from sheet metal can be inexpensively done (Gaeddert, col. 2, ln 6-18) and it would better serve in reinforcing the shank which is made of thin metal strip, and since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Árpád Fábíán Kovács whose telephone number is 571 272 6990. The examiner can normally be reached on Mo-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571 272 6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Árpád Fábíán Kovács
Primary Examiner
Art Unit 3671

ÁFK